



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/471869-Conf. #8044
		Filing Date	December 23, 1999
		First Named Inventor	Phillips et al.
		Art Unit	2161
		Examiner Name	C. L. T. Nguyen
Total Number of Pages in This Submission	22	Attorney Docket Number	E0295.70130US00

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) FIGs. 1-14 <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input checked="" type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard PTOL-85 Issue Fee Transmittal Form in duplicate Check for \$1,409.00
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Richard F. Giunta		
Date		Reg. No.	36,149

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 1/27/06Signature: (Richard F. Giunta)



Docket No.: E0295.70130US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Phillips et al.
Serial No.: 09/471869
Confirmation No.: 8044
Filed: December 23, 1999
For: METHOD AND APPARATUS FOR MANAGING INFORMATION
RELATED TO STORAGE ACTIVITIES OF DATA STORAGE
SYSTEMS
Examiner: C. L. T. Nguyen
Art Unit: 2161

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 1/27/06


Richard F. Giunta, Registration No. 36,149

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants acknowledge with appreciation the Examiner's indication that claims 1, 3-8, 10-15 17-19, 21-24, 40-42, 44-45 and 47-51 are allowed. The Office Action includes a Statement Of Reasons For Allowance which indicates that independent claims 1, 7, 11, 12, 17, 22, 40, 44 and 49 are allowed because they recite a backup method or system comprising first, second and third backup systems, and at least one domain that includes the first and second backup systems and excludes the third backup system. Although all of those limitations are found in some of the independent claims (e.g., claims 1 and 7), they are not found in all (e.g., independent claims 11, 12, 17, 22, 40, 44 and 49).

Applicants point out that each of the independent claims patentably distinguishes over the prior art, and was therefore allowed, based solely on the language within the claim itself, such that those independent claims that do not include the limitations recited in the reasons for allowance (e.g., independent claims 11, 12, 17, 22, 40, 44 and 49, as well as the claims depending therefrom) should not be interpreted as limited by the statement provided in the reasons for allowance. If there is disagreement on this point, the Examiner is respectfully requested to contact the undersigned at the number listed below so that the record can be clarified in this respect.

If a fee is occasioned by this response, the Commissioner is hereby authorized to charge any deficiencies to Deposit Account No. 23/2825 referencing docket no. E0295.70130US00.

Dated:

Respectfully submitted,

By 

Richard F. Giunta

Registration No.: 36,149

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

(617) 646-8000

Attachments



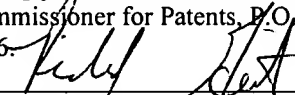
DOCKET NO.: E0295.70130US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Phillips et al.
Serial No.: 09/471869
Confirmation No.: 8044
Filing Date: December 23, 1999
For: METHOD AND APPARATUS FOR MANAGING INFORMATION
RELATED TO STORAGE ACTIVITIES OF DATA STORAGE SYSTEMS
Examiner: C. L. T. Nguyen
Art Unit: 2161

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 27 day of January, 2006.


Richard F. Giunta, Reg. No. 36,149

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

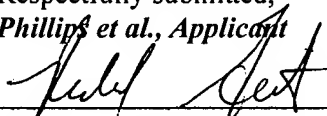
REQUEST FOR APPROVAL AND ENTRY OF FORMAL DRAWINGS

Sir:

Enclosed for filing are fourteen (14) sheets of FORMAL DRAWINGS, Figures 1 through 14, for the above-referenced patent application.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 23/2825.

Respectfully submitted,
Phillips et al., Applicant


Richard F. Giunta, Reg. No. 36,149
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: E0295.70130US00
Date: January 27, 2006
x03/20/06x